

REMARKS

The Examiner is thanked for the due consideration given the application. The specification has been amended to not refer to the claims. An exhibit is appended to this paper.

Claims 29-52 are pending in the application. Support for the amendments to claim 29 can be found in the specification at pages 6 and 7 of the specification. Claims 30-52 have been amended to improve their language in a non-narrowing fashion.

No new matter is believed to be added to the application by this amendment.

Rejections Based on YONKERS

Claims 29, 30, 31, 38-43, 45-48 and 50-52 have been rejected under 35 USC 102(b) as being anticipated by YONKERS (U.S. Patent 2,970,388). Claims 29-33, 38-43 and 45-52 have been rejected under 35 USC 103(a) as being unpatentable over YONKERS. Claims 34-37 have been rejected under 35 USC 103(a) as being unpatentable over YONKERS in view of EIGEN (U.S. Patent 4,043,559). Claims 34-37 and 43-44 have been rejected under 35 USC 103(a) as being unpatentable over YONKERS in view of MORGAN (U.S. Patent 5,799,943). Claim 39 has been rejected under 35 USC 103(a) as being unpatentable over YONKERS in view of MORGAN. These rejections are respectfully traversed.

The present invention pertains to a magnetic game that is illustrated, by way of example, in Figure 1 of the application, which is reproduced below.

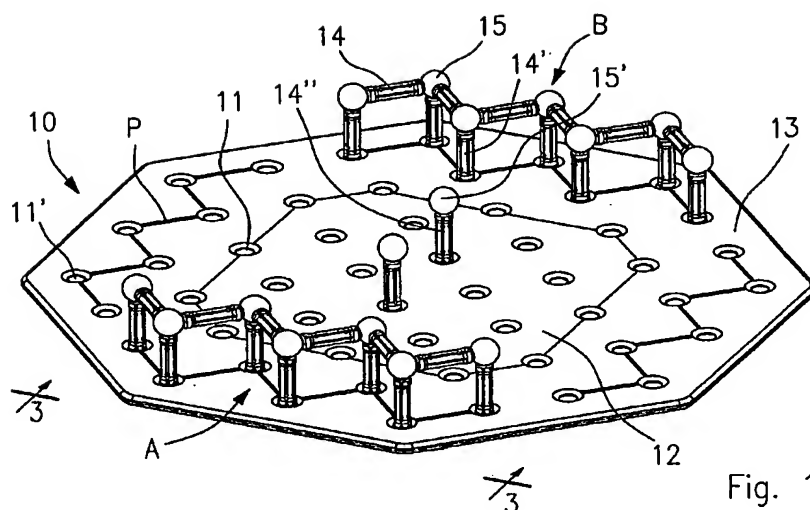


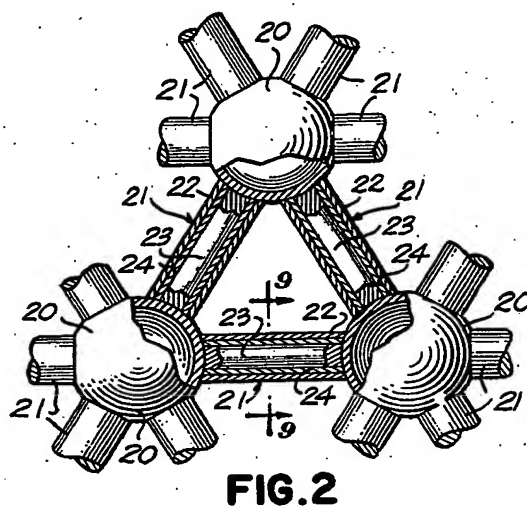
Fig. 1

Figure 1 shows a game board (10) having anchorage points (11) and anchorable game members (14, 14', 15) that can be elongated bar shaped (14, 14') or ball shaped (15).

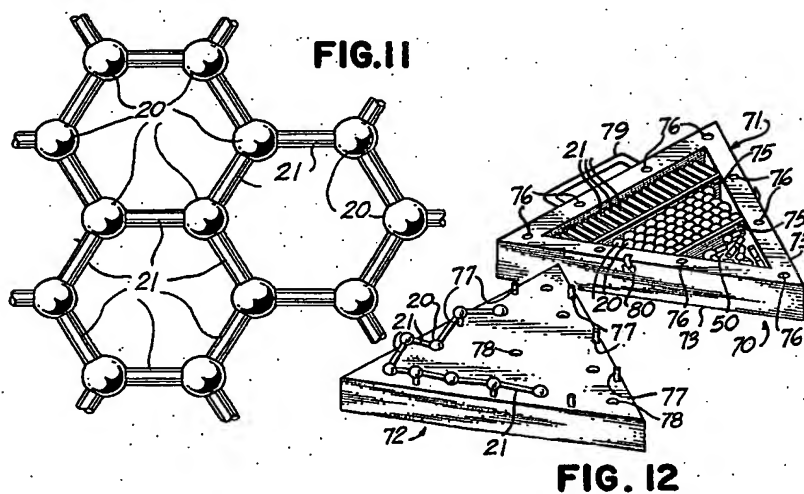
Amended claim 29 of the present invention states: "at least one of said bar-shaped members 14' in each articulated body. (A, B) are magnetically and disengagedably anchorable to the ball members (15) and to the marked anchorage points (11); while other ones of said bar-shaped members (14) and said ball-shaped members (15) are magnetically and disengagedably anchorable with each other."

YONKERS pertains to an educational device for the study of chemical crystallography. YONKERS fails to disclose or suggest game technology.

The Official Action refers to Figure 2 of YONKERS, reproduced below, which depicts the ball-and-stick configuration typical of chemical structure modeling.



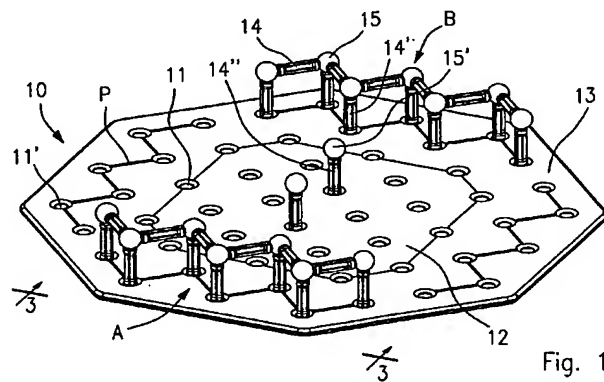
The Official Action also refers to Figures 11 and 12 of YONKERS, reproduced below, which shows fused benzene ring structures and a base for mounting the chemical models.



YONKERS fails to disclose a game in which competition is possible. YONKERS merely discloses an educational device.

In contrast, the present invention sets forth a game that may be played by two or more players, each having a respective articulated body (A, B) to be used at the same time by the players during a game competition, to be alternately moved on a game board having spaced apart marked anchorage points. The articulated bodies are to be strategically moved on the anchorage points, to reach a goal. No teaching or disclosure exists in YONKERS to move a crystallographic structure, and consequently no anchorage points exist in YONKERS comparable to that of the present invention.

The present invention can be better understood by referring to Figures 1, 3 and 4 of the application (below), and featured in the attached brochure advertising the present invention.



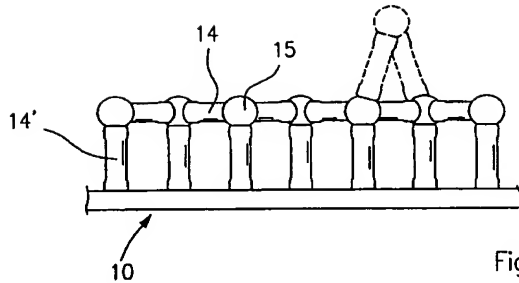


Fig. 3

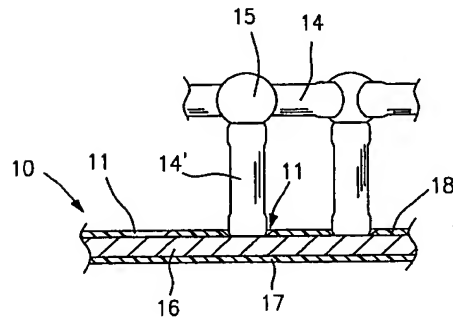


Fig. 4

As is clear from the illustrations, each articulated body A and B includes:

a) a first number of bars defining post members 14' magnetically and disengagedably anchorable to the marked points of the game board;

b) a number of balls 15, magnetically and disengagedably anchorable at the posts 14'; and

c) a second number of intermediate bars 14, magnetically and disengagedably anchorable between balls 15;

in which the articulated bodies A and B may be moved freely and strategically on the game board, by selectively engaging the posts 14' to related ones of the marked points, and to the balls 15 - see the enclosed brochure - moving each articulated body on the game board.

The game assembly of the present invention is thus completely new and not disclosed, suggested or made unpatentable by YONKERS, or in combination with the remaining citations.

It is noted that YONKERS at column 7, lines 23 onwards, and Figure 12 (see above), merely describes an educational device for building crystallographic structures, in which use is made of a case having a cover 72 which may merely be used for supporting a crystalline structure during its building.

YONKERS (column 6, lines 74-75 and column 7) confusingly describe that "in the upper wall 73" (of the case 70 - Figure 12), are a plurality of holes 76 to receive posts 77 "formed (?) on the cover 72". Furthermore, the posts 77 anchored to the cover, cannot be disengaged and moved on the cover during the construction of a crystallographic structure.

From the description and Figure 12 of YONKERS it is not clear if corresponding holes 76 are provided on the side face of the cover 72, and why the posts 77 on the cover 72 can be received into the holes 76 of the case.

YONKERS at column 7, lines 4-5 specifies also that the recesses 78 have sufficient depth to receive a sphere 20 only. No magnetic anchorage between the spheres 20 and recesses 78 in the cover is disclosed or provided, and presumably the spheres are merely seated in the recesses 78.

Furthermore, the recesses 78 in YONKERS are provided for seating the spheres 20 only, but not the posts 77, which have a

smaller diameter. The posts 77 presumably remain steady on the edges of the cover and, in this case, no marked anchorage points for moving the posts are described or provided by YONKERS, where the posts are merely fitted into corresponding holes differing from the holes for the spheres.

Further YONKERS at column 7, line 8 also specifies that the height of the posts 77 is selected such that the spheres 20 may be interconnected by elongated bars 28 of fixed (and different) length. Considering the above and the disposition of the posts and spheres on the cover in Figure 12 of YONKERS, one will observe that the bars 28 extend between a sphere on a post, and a sphere into a recess, with a slanted disposition.

Therefore, the pitch between a hole for a post 77, and a recess 78 for a sphere 20, is smaller than and does not correspond to the sum of the axial length of a bar 21 and the diameter of a sphere 20, by Pythagoras' geometrical law.

Lastly, amended independent claim 29 of the present invention recites additional supplemental game members to increase the game's difficulty and to bar the movements of the articulated bodies A and B. YONKERS, in Figures 5-7, fails to describe a supplemental game member, but a different component (column 7, line 23 onwards) to measure the angular relationship of diagonal and adjacent bars during the construction of the crystallographic structure, which is for a completely different purpose.

In summary, YONKERS fails to disclose a "game assembly", because the cover of the educational device is not comparable to the "game board" of the present invention.

YONKERS thus fails to anticipate or render *prima facie* unpatentable independent claim 29 of the present invention. The other applied art references fail to address the deficiencies of YONKERS discussed above. Claims depending upon claim 29 are patentable for at least above reasons.

Further, the present invention shows unexpected results of commercial success, as evidenced by the enclosed brochure. These unexpected results rebut any unpatentability that could be alleged.

These rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

The Examiner is thanked for considering the Information Disclosure Statement filed September 29, 2006 and for making an initialed PTO-1449 Form of record in the application.

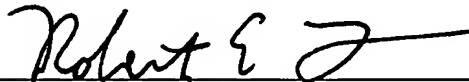
Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

The rejections are believed to have been overcome, obviated or rendered moot and no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item(s):

- ☐ - a terminal disclaimer
- ☐ - a 37 CFR 1.132 Declaration
- ☐ - a new or amended Abstract of the Disclosure
- ☐ - a Replacement Sheet for Figure of the drawings
- ☐ - a Substitute Specification and a marked-up copy of the
originally-filed specification
- ☐ - a verified English translation of foreign priority document
- ☒ - brochure

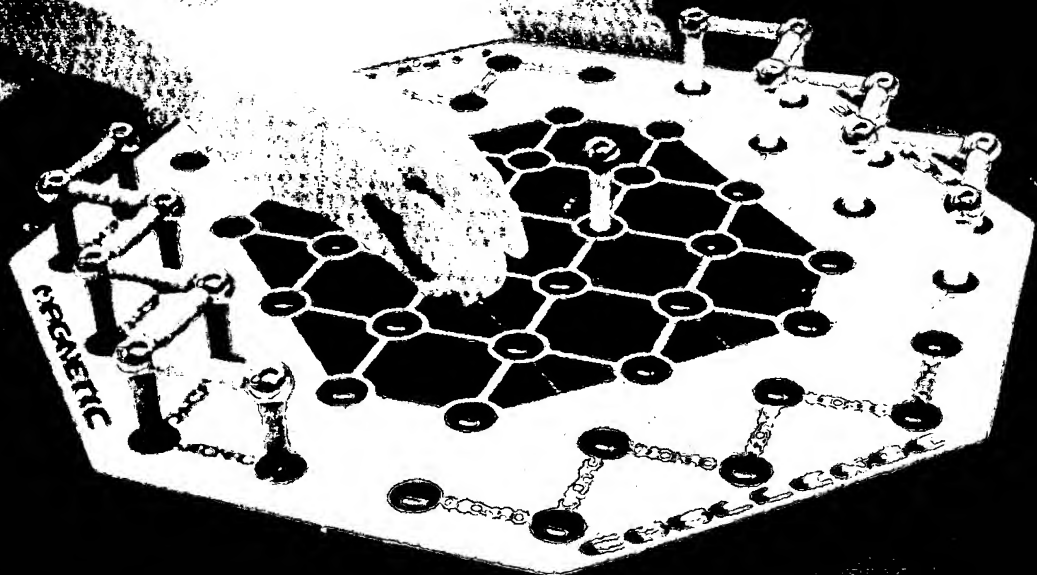
GEOMAG™

magnetic world

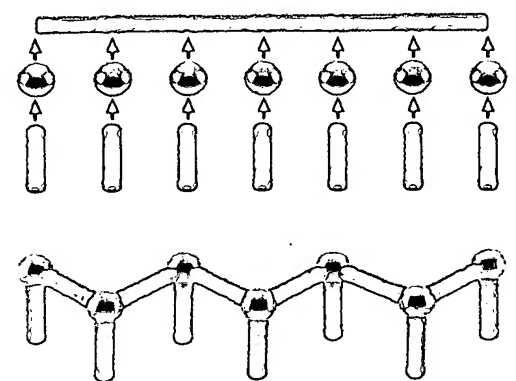
The Original

strategy game
GENETIC CHALLENGE

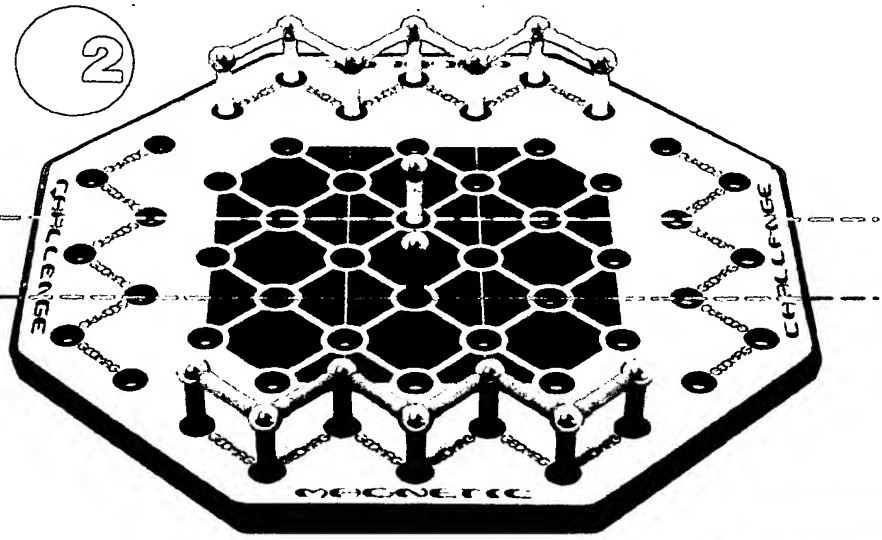
di Claudio Vicentelli



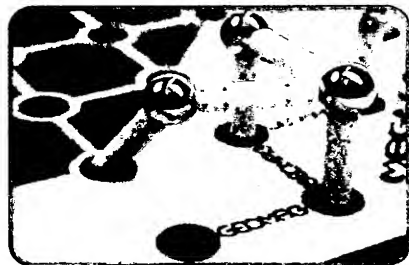
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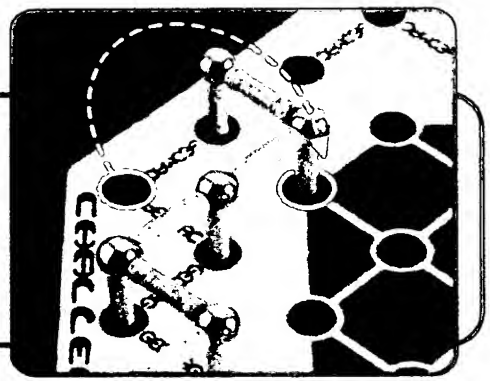
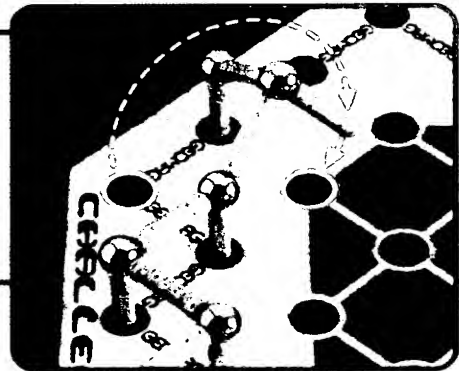
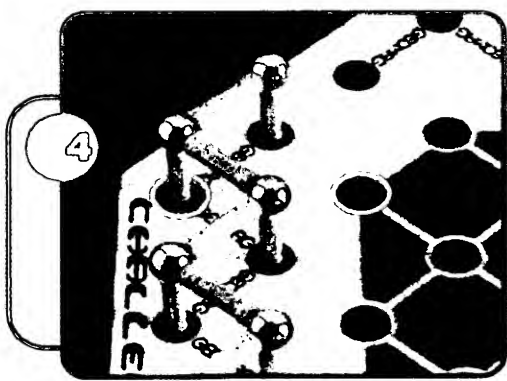
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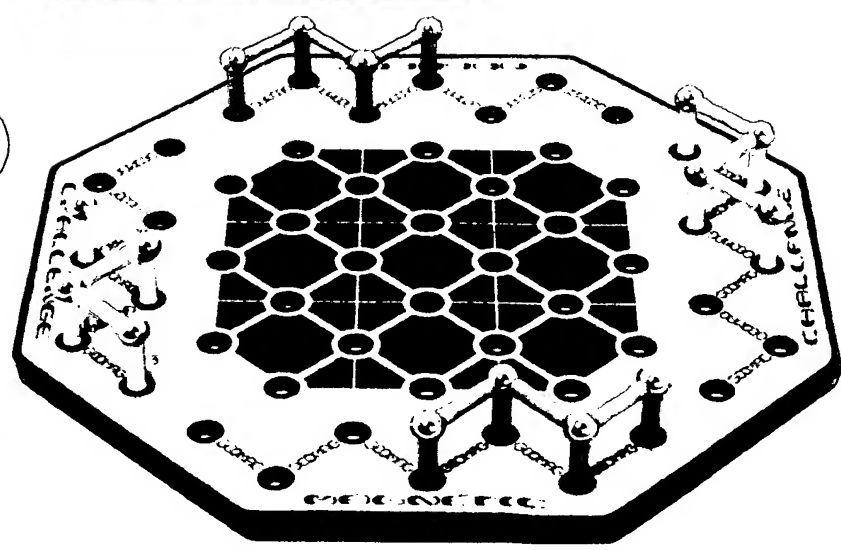
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4



5



strategy game
MAGNETIC CHALLENGE

It takes just a few minutes to understand the rules and explain them to a friend: fun, enthralling and educational, Magnetic Challenge combines play and entertainment with **extremely useful educational aspects**. It stimulates logical reasoning and the capacity for reflection: in fact, playing Magnetic Challenge means elaborating increasingly complex strategies with the purpose of winning and/or preventing the adversary reaching his or her target.

Winning is not a question of "taking" or wiping out the adversary: with Magnetic Challenge luck or speed of movement don't come into play; the winner is always the player who has been more adept at devising the best strategy.

Magnetic Challenge is suitable for all ages: there are great challenges awaiting you, gathered around the same table! It's a pleasure to feel the magnetic force between your fingers, the fascinating attraction that comes into play as you make your move, seeking to reach your target.

A knowledge of Geomag, of its rules and the secrets of its magnetic force, is very helpful for achieving the best results with Magnetic Challenge: you can find out by reading this instruction leaflet, and the general instruction booklet which provides an introduction to the World of Geomag.

Magnetic Challenge is also a perfect game to play with friends, stimulating creativity, logical reasoning and manual dexterity.

Content

The box contains the following GEOMAG components: an octagonal game board with 52 positions, 28 rods in 2 colours and 16 balls to form the *Snakes* and the *Joker* pieces. We recommend that the packaging is retained to store all components safely.

Rules

Number of players: **Strategy** for two players (one against one) or **Labyrinth** for four players (two against two).

Strategy (2 Players)

Preparing the game: each of the 2 players prepares his or her *Snake*. What is the "Snake"? It's a structure made up of 13 rods and 7 spheres. It can be made in several ways (as those who play with Geomag know well). The simplest is to make it starting with a row of 8 rods together as shown in the figure 1.

Object of the Game

To move the *Snake* from your starting position (fig. 2) to occupy that facing you. The winner is the first to reposition his/her *Snake* on the opposite side, on the starting line of the adversary.

Note: If the player who starts second also arrives at destination on the turn immediately after that of his/her opponent, then the match is considered a draw.

Starting Position

The players position their *Snakes* and *Jokers* on the two opposite sides of the Geoctagon (fig. 2).

The Moves

The players choose a colour. It is decided who shall start (however, the player who starts first is not at an advantage). To avoid doubts about who has started first, the player that starts can remove the sphere from his/her *Joker*. During all moves the *Snake* must always remain united, all the rods making it up must remain linked either vertically on the holes or on two spheres. If by making a move from one position to another, the vertical rods cannot stand upright and perpendicular to the octagonal board (as shown in the fig. 3), the move is not valid.

When it is his/her turn, each player makes a move. At the beginning you can choose between the following moves:

- One first level move
- Two second level moves

First Level Moves

These are all the moves that bring one of the vertical rods of the *Snake* to occupy another hole of the Geoctagon without breaking up the *Snake*. The first level is formed by the rods that touch the board (fig. 4 and 5).

Second Level Moves

These are all the moves which bring the vertical rod to join with a sphere, and therefore to walk along the back of the *Snake*. **Only one vertical rod and the one next to it can be brought to the second level.**

At the second level there can only be two rods and one sphere.

It is not permitted:

- 1) to make first level moves with a vertical rod on the back of which a rod has been positioned at second level.
- 2) If, during a sequence of second level moves, the rod that is being moved drops onto the octagonal board (and therefore to the first level), the sequence of moves is interrupted and the player has to give up his turn to the opponent (examples of second level moves **fig. 6/7/8**).

The *Joker*. What is it and What is it For?

It is a single unit made up of a rod and a sphere. What is the *Joker* for? Using the *Joker* you can block the opponents's path and/or you can use it in a tactical manner to prepare your path to victory.

Note: the *Joker* can never be united to the *Snake*.

The line of the *Joker*: when any one of the vertical rods of the *Snake* reaches the line on which his or her own *Joker* is positioned. The players, in turn, may choose one of the following moves:

- Moving the *Joker* one move
- One first level move
- Three second level moves

***Joker* Moves:** the *Joker* can be moved into any of the free holes in the area of the square marked out in different colour (**fig. 2**).

Suggestions

Winning demands astuteness and strategy. The right move has to be carefully gauged on each occasion, deciding whether to move towards the objective and/or to obstruct the adversary.

It is important to try to get to the *Joker* line first, so as to increase the number of moves at your disposal.

End of Game

Penalty points can also be used (for example 10): starting from zero, whoever exceeds this limit over a number of games will be the loser. The score is calculated by adding up, at the end of each game, the number of moves that the loser would have needed to make to reach his/her objective.

Labyrinth (4 Players)

Magnetic Challenge for 4 players is based on games played 2 against 2.

In this case each player is given 7 rods and 4 spheres with which each then constructs his or her *Snake*. Each pair of players occupies two opposite sides of the board, **as in the figure 9**. The players take turns to move, in clockwise order. In games with 4 players there is no *Joker* function. The valid moves are: one first or two second level moves. Apart from this, all the other rules remain the same.

In this case too the most important aspect is the strategy that each pair of players manages to devise: the winning team will be that which is the first to complete the course, repositioning their respective *Snakes* in the position opposite the starting position, that is on the base from which his or her team-mate has started.

Note: When playing in two pairs, the attempt to reach the goal by the shortest route, which means moving your *Snake* through the centre of the octagonal game board, often results in getting stuck. It is probably wiser for at least one player of the pair to attempt to move round the obstacle, seeking to pass behind one of the adversaries.

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